

# **MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

Waste Management and Remediation Division  
Waste and Underground Tank Management Bureau  
Solid Waste Section  
PO Box 200901  
Helena, MT 59620-0901

## **DRAFT ENVIRONMENTAL ASSESSMENT**

### **PROJECT OR APPLICATION:**

Jeff's Towing, a Montana business, has proposed a private motor vehicle wrecking facility (MVWF) in Ravalli County.

### **SOLID WASTE SECTION ROLES AND RESPONSIBILITIES:**

The Department of Environmental Quality (DEQ) is responsible for ensuring activities proposed under the Solid Waste Management Act, the Septage Disposal Licensure Act, and the Motor Vehicle Disposal & Recycling Act are in compliance with current regulations. The Solid Waste Section (SWS) is a part of the Waste and Underground Tank Management Bureau, in the Waste Management and Remediation Division of the DEQ. The Motor Vehicle Recycling & Disposal Act, 75-10-501, Montana Code Annotated (MCA), and the Administrative Rules of Montana (ARM), Title 17, Chapter 50, Section 201 provides the authority for the Motor Vehicle Recycling & Disposal Program (MVRDP) to license and regulate motor vehicle wrecking facilities in the state of Montana.

### **SECTION 1.0 – PROJECT DESCRIPTION:**

Jeff's Towing submitted a license application to DEQ's SWS for a MVWF in Ravalli County. The proposed location is within a fenced area on 3929 US Highway 93 N in Stevensville, Montana. The legal description of the facility is Section 21, Township 09 North, Range 20 West, in Section 2 NE Index 7 Less Highway #537499. At the present time, the property is owned by McNulty Investments LLC, and is leased by Mr. Jeff Newsom. Jeff's Towing has applied to license 0.5 acres of the 1 acre lot.

#### **Purpose of the Environmental Assessment (EA):**

In accordance with 75-1-102, MCA, the Montana Environmental Policy Act (MEPA) is procedural, and requires the "adequate review of state actions in order to ensure that environmental attributes are fully considered by the legislature in enacting laws to fulfill constitutional obligations; and the public is informed of the anticipated impacts in Montana of potential state actions." According to MEPA, environmental assessments (EA) are the procedural documents that communicate the process agencies follow in their decision-making. An EA does not result in a certain decision, but serves to identify the potential effect of a state action within the confines of existing laws and rules governing proposed activities so that agencies make balanced decisions. The MEPA process does not provide regulatory authority beyond the authority explicitly provided in existing statute.

The Motor Vehicle Recycling & Disposal Act, and associated administrative rules, establish the minimum requirements for the design and operation of MVWFs. The EA is the mechanism that DEQ uses to:

- (1) Disclose whether a proposed site meets the minimum requirements for compliance with the current laws and rules;
- (2) Assist the public in understanding state MVWF regulations as they pertain to licensing MVWFs;

- (3) Identify and discuss the potential environmental effects of the proposed site if it is approved and becomes operational;
- (4) Discuss actions taken by the applicant, and the enforceable measures and conditions designed to mitigate the effects identified by DEQ during the review of the application; and
- (5) Seek public input to ensure DEQ has identified the substantive environmental impacts associated with the proposed MVWF.

#### Purpose of Proposal:

By obtaining a MVWF license, the applicant is allowed to under:

- (1) Buy, sell, or deal in four or more vehicles per year of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially altering the form of the motor vehicle (75-10-501(6)(a)(i), MCA);
- (2) Buy or sell component parts, in whole or in part, and deal in second-hand junk vehicles (75-10-501(6)(a)(ii), MCA);
- (3) Purchase wrecked vehicles from insurance companies. Insurance companies are required by state law to sell junk vehicles only to licensed MVWF (75-10-520, MCA);
- (4) This business will provide a commercial source of automotive parts at a cost savings to the consumer; and
- (5) This business will also recycle all the ferrous and non-ferrous metals of the dismantled vehicles that were not sold to the general public. Recycling metals will conserve energy and natural resources otherwise used to manufacture new automotive parts.

#### Benefits of Proposal:

By obtaining a MVWF license, the applicant will be allowed to:

- (1) Purchase junk vehicles from the general public and insurance companies, which will contribute to the overall cleanliness of the community in which the facility is located;
- (2) The facility will be required by statute to shield the junk vehicles from public view (75-10-504, MCA);
- (3) The facility will be required to handle all automotive waste in an environmentally safe manner; and
- (4) This service will conserve energy and natural resources otherwise used to manufacture new parts.

#### Site Location:

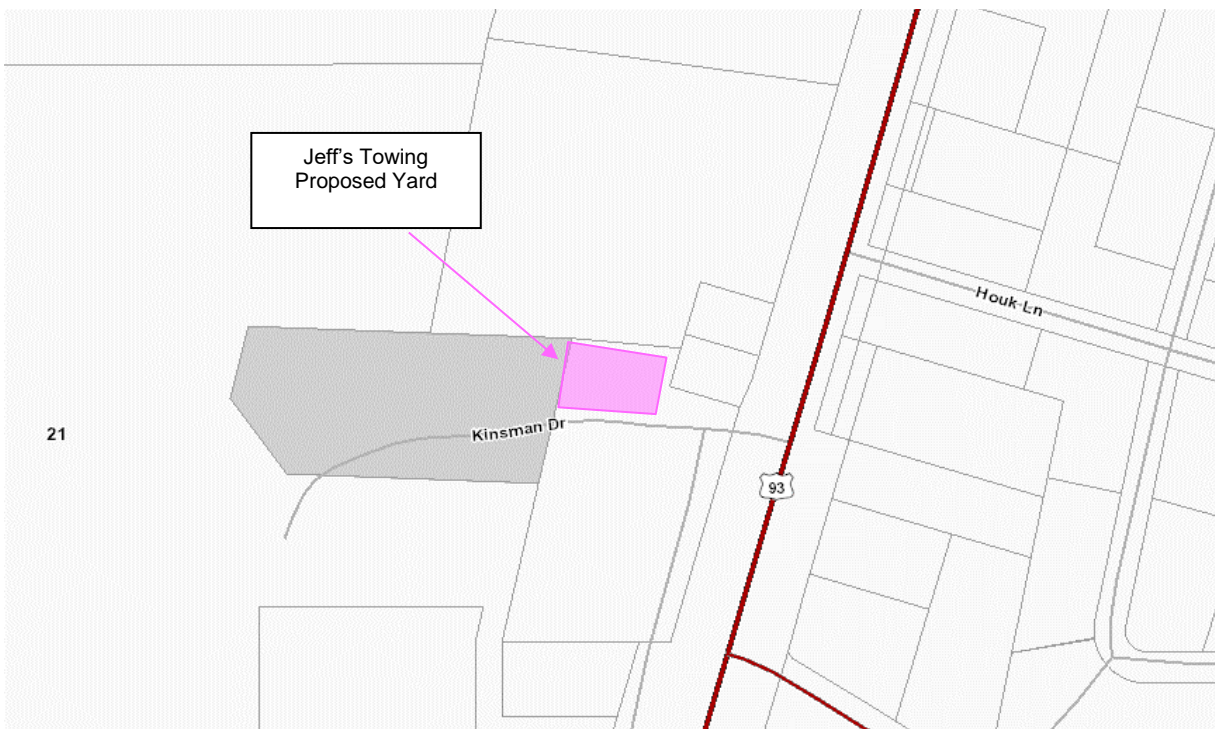
The proposed MVWF will be in Ravalli County. The proposed location is 3929 US Highway 93 N in Stevensville, Montana. The legal description of the facility is Section 21, Township 09 North, Range 20 West, in Section 2 NE Index 7 Less Highway #537499. **(Figures 1.1 and 1.2)**. Jeff's Towing has applied to license 0.5 acres of this one acre parcel.

**Figure 1.1 – Location of Proposed Site: Aerial View**



Source: Google Earth

**Figure 1.2 – Location of Proposed Site: Street View**



Source: Montana Cadastral

## SECTION 2.0 – ALTERNATIVES CONSIDERED

The following provides a description of reasonable alternatives whenever they are available and prudent to consider:

**Alternative A:** The “no action” alternative. If this alternative is selected, a final decision by DEQ will not be required because the applicant will have chosen to withdraw the application for licensure of the MVWF. By withdrawing the application from consideration by DEQ, the applicant can still seek an alternative site for the proposal.

DEQ has not received a request by the applicant to withdraw the application for licensure. Therefore, prior to DEQ’s final decision, two other possible alternatives were considered during the preparation of this EA.

**Alternative B:** The “license application approved” alternative. If this alternative is selected, DEQ will approve the application and issue a new license, establishing the site as a MVWF.

A decision by DEQ is prompted when the applicant completes the application for licensure of the proposed activity at the proposed location. However, the applicants may at any time choose to withdraw the application. This would result in DEQ selecting the “no action” alternative because DEQ’s decision would not be necessary. If the applicant withdraws the application, the applicant could seek to locate a similar facility elsewhere.

In consideration of these alternatives, the potential environmental effects of Alternative C were evaluated for the proposed project based on the information provided. DEQ researched the site and surrounding area, which included a site visit. The results of DEQ’s evaluation of potential environmental impacts related to the proposed facility are summarized in Section 3.0.

## SECTION 3.0 – EVALUATION OF POTENTIAL EFFECTS

**Tables 3.1** and **3.2** identify and evaluate the potential effects that may occur to human health and the environment if the site for the MVWF is approved. The discussion of the potential impacts only includes those resources that may be affected. If there is no effect on a resource, it may not be mentioned in the analysis.

Direct and indirect impacts are those that occur in or near the proposed project area and may extend over time. Often, the distinction between direct and indirect effects is difficult to define. For the purposes of this discussion, direct and indirect impacts are combined.

**Table 3.1 – Impacts to the Physical Environment**

Physical Environment	Major	Moderate	Minor	None	Unknown	Attached
1. Terrestrial and Aquatic Life and Habitats			✓			✓
2. Water Quality, Quantity, and Distribution			✓			✓
3. Geology and Soil Quality, Stability, and Moisture			✓			✓
4. Vegetation Cover, Quantity, and Quality			✓			✓
5. Aesthetics			✓			✓
6. Air Quality			✓			✓
7. Unique, Endangered, Fragile, or Limited Environmental Resources				✓		✓
8. Historical and Archaeological Sites				✓		✓
9. Demands on Environmental Resources on Land, Water, Air, or Energy				✓		

**Table 3.2 – Impacts to the Human Environment**

Human Environment	Major	Moderate	Minor	None	Unknown	Attached
1. Social Structures & Mores				✓		
2. Cultural Uniqueness & Diversity				✓		
3. Density & Distribution of Population & Housing				✓		
4. Human Health & Safety				✓		
5. Quantity & Distribution of Employment			✓			✓
6. Local & State Tax Base Revenues			✓			✓
7. Demand for Government Services			✓			✓
8. Industrial, Commercial, & Agricultural Activities & Production			✓			✓
9. Access to & Quality of Recreational & Wilderness Activities				✓		
10. Locally Adopted Environmental Plans & Goals				✓		✓

## ANALYSIS OF TABLE 3.1 – POTENTIAL IMPACTS TO THE PHYSICAL ENVIRONMENT

*This section evaluates the potential environmental effects that may occur on the physical environment if the proposed facility is approved. The number on each of the following resource headings corresponds to a resource listed in the tables. Generally, only those resources potentially affected by the proposal are discussed. Therefore, if there is no effect on a resource, it may not be discussed.*

### 1. Terrestrial & Aquatic Life Habitats

The proposed yard expansion is surrounded by industrial, commercial, and residential areas. The impacts caused by the creation of the wrecking facility should not be significant to the area's ecosystem since the applicant is already operating a MVWF on the property. The impact on the wildlife, birds, or fish in this area will be negligible as it is already developed with industrial and commercial facilities.

### 2. Water Quality, Quantity, and Distribution

Several properties in this area have wells. The static ground water level in the vicinity of the site varies from 7 to 229 feet below ground surface. This proposed MVWF is not expected to have any impacts on the quality, quantity, or distribution of the ground water because of the planned management practices. These practices will include the removal of the automotive fluids over an impermeable pad before the junk vehicles are processed. These auto fluids will either be reused or properly recycled.

**Table 3.3 – Summary of Nearby Supply Wells**

GWIC ID	Township	Range	Section	Quarter Section	Total Depth (ft)	Static Water Level (ft)	Yield (gpm)	Use
121479	09N	20W	21	SW¼ NE¼	67	20	15	Domestic
257825	09N	20W	21	SW¼ NE¼	157	37	14	Domestic
60059	09N	20W	21	NE¼ SW¼ NE¼	229	7	80	Domestic
178152	09N	20W	21	SW¼ SW¼ SE¼	49	23	80	Domestic
60055	09N	20W	21	NE¼	41.1	26	5	Domestic
249455	09N	20W	21	SW¼ NE¼	75	31.5	35	Irrigation
706842	09N	20W	21	NW¼ SW¼ SW¼ NE¼	37	NA	NA	Domestic
85830	09N	20W	21	SE¼ SE¼ SW¼ NE¼	41	23.5	28	Public
257826	09N	20W	21	SW¼ NE¼	155	35	10	Domestic
20485	09N	20W	21	NW¼ SW¼ SE¼ NE¼	39	20	20	Public
60063	09N	20W	21	NW¼ SE¼ NE¼	60	40	12	Domestic
174626	09N	20W	21	NW¼ SW¼ SE¼ NE¼	50	26.62	4	Unused
56776	09N	20W	21	SE¼ NE¼	65	35	20	Domestic
156310	09N	20W	21	SE¼ SW¼ SE¼ NE¼	74	34	50	Public
16529	09N	20W	21	SW¼ SE¼ NE¼	44	20	7	Domestic
163293	09N	20W	21	NE¼ NE¼ SE¼ SE¼	85	10	120	Public
30117876	09N	20W	21	NE¼ NW¼ SE¼	38	11	30	Domestic
60322	09N	20W	21	SW¼ NE¼ NW¼ SE¼	60	23	30	Public
257826	09N	20W	21	SW¼ NE¼	155	35	10	Domestic
85830	09N	20W	21	SE¼ SE¼ SW¼ NE¼	41	23.5	28	Public
87075	09N	20W	21	SE¼ SE¼ NE¼	58	27	35	Domestic

Source: Montana Bureau of Mines and Geology Ground Water Information Center

### 3. Geology and Soil Quality, Stability, and Moisture

The soils in the vicinity of the site are classified by the U.S. Natural Resource Conservation Service as Chereete Sandy Loam. These soils are excessively drained, 1 to 4 percent slope, and the water table begins at a depth of 80 inches for this soil type. Waste anti-freeze, gasoline, and lubricating oils contain petroleum distillates, heavy metals, and possibly toxic compounds. If improperly disposed, these can cause surface and groundwater degradation. The applicant proposes to properly reuse or recycle all of the above-named automotive fluids. Some residual lubricating oils and antifreeze may drip from the vehicles stored at the facility. This residual dripping is not expected to be significant, or result in heavy soil accumulations, because the junk vehicles will have the fluids removed over an impermeable pad.

**Table 3.4 – Summary of Soil Properties**

Soil Type	Chereete Sandy Loam
Map Unit Symbol	303B
Slope	1 to 4 percent slopes
Depth Profile	A - 0 to 6 inches: sandy loam Bw - 6 to 14 inches: gravelly sandy loam C1 - 14 to 25 inches: very gravelly loamy coarse sand C2 - 25 to 60 inches: extremely gravelly coarse sand
Drainage	Excessively Drained
Frequency of Flooding	None
Frequency of Ponding	None
Capacity of the most limiting layer to transmit water (Ksat):	High (1.98 to 5.95 in/hr)
Depth to water table	More than 80 inches

Source: USDA-NRCS, Web Soil Survey, Ravalli County, Montana

**Figure 3.1 – Summary of Soil Properties Map**



Source: USDA-NRCS, Web Soil Survey, Ravalli County, Montana

#### 4. Vegetation Cover, Quantity, and Quality

The proposed facility is in Ravalli, Montana. This wrecking facility is surrounded by residential, industrial, commercial, and agricultural areas. The impacts caused by the establishment of the wrecking facility should not be significant to the area's ecosystem as it is in a developed area near a major highway. The site is therefore unlikely to undergo further ecosystem disruption due to the licensing and operation of this yard. There will be minor to no impact to the quality and/or quantity of the vegetative cover on the property as the site is already developed.

#### 5. Aesthetics

The MVRDP is mandated by statute to require all MVWFs to shield their junk vehicles from public view. "Public view" is defined as any point six feet above the surface of the center of a public road from which the junk vehicles can be seen. The applicant must meet state shielding requirements, as outlined in ARM 17.50.202, prior to licensure.

#### 6. Air Quality

Automotive fluids and refrigerant will be properly removed from the junk vehicles and disposed of in accordance with all applicable regulations. Therefore, the impact to air quality is expected to be negligible.

#### 7. Unique, Endangered, Fragile, or Limited Environmental Resources

The proposed site is in a prairie and grassland habitat. The site is in a developed area and the is covered with native and nonnative grasses and flowering plants. Because the site is developed, licensing and subsequent operation of this site is unlikely to affect any species of concern. Additionally, none of the species of concern listed in the area were found in this habitat upon inspection.

The site is neither within nor near a designated sage grouse habitat or BLM Priority area.

The Species of Concern present within Ravalli County are outlined in **Table 3.5** below:

**Table 3.5 – Species of Concern in Ravalli County**

Species Subgroup	Common Name	Scientific Name	G Rank	S Rank	Habitat
Flowering Plants - Dicots (Magnoliopsida)	Evermann Fleabane	Erigeron evermannii	G4	S2?	Alpine
Flowering Plants - Dicots (Magnoliopsida)	Spiny Greasebush	Glossopetalon spinescens	G5	S1	Rock/Talus
Flowering Plants - Dicots (Magnoliopsida)	Small-flower Ipomopsis	Ipomopsis minitiflora	G4	S1S2	Sagebrush (Open)
Flowering Plants - Dicots (Magnoliopsida)	Columbia Lewisia	Lewisia columbiana	G4G5	S1S2	Rock Crevices
Flowering Plants - Dicots (Magnoliopsida)	Selway Coil-beaked Lousewort	Pedicularis contorta var. rubicunda	G5T3	S2S3	Ridgetops and meadows (subalpine and alpine)
Flowering Plants - Dicots (Magnoliopsida)	Bitterroot Bladderpod	Physaria humilis	G2	S2	Alpine

Flowering Plants - Dicots (Magnoliopsida)	Puzzling Rockcress	Sandbergia perplexa	G4	S2	Shrubland/woodland slopes (Open, Montane)
Flowering Plants - Dicots (Magnoliopsida)	Idaho Goldenweed	Tonestus aberrans	G3	S1S2	Rock/Talus
Bryophytes (Bryophyta)	Bigelow's Porotrichum Moss	Porotrichum bigelovii	G4	S1	
Lichens (Fungi)	Cabbage Lungwort Lichen	Lobaria linita	G5	S1	
Ferns and Fern Allies (Pteridophyta)	Mountain Swordfern	Polystichum scopulinum	G4	S1S2	Rock Crevices
Flowering Plants - Dicots (Magnoliopsida)	Sandweed	Athysanus pusillus	G5	S1S2	Rock/talus-Mesic
Flowering Plants - Monocots (Liliopsida)	Columbia Onion	Allium columbianum	G3	S1	Open, mesic sites

Source: Montana Natural Heritage Program SOC Report

**Table 3.6 – Montana Species Ranking Codes (Global (G) Rank, State (S) Rank)**

Rank		Definition
G1	S1	At high risk because of extremely limited and/or rapidly declining population numbers, range and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
G2	S2	At risk because of very limited and/or potentially declining population numbers, range and/or habitat, making it vulnerable to global extinction or extirpation in the state.
G3	S3	Potentially at risk because of limited and/or declining numbers, range and/or habitat, even though it may be abundant in some areas.
G4	S4	Apparently secure, though it may be quite rare in parts of its range, and/or suspected to be declining.
G5	S5	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.
GX	SX	Presumed Extinct or Extirpated - Species is believed to be extinct throughout its range or extirpated in Montana. Not located despite intensive searches of historical sites and other appropriate habitat, and small likelihood that it will ever be rediscovered.
GH	SH	Historical, known only from records usually 40 or more years old; may be rediscovered.
GNR	SNR	Not Ranked as of yet.
GU	SU	Unrankable - Species currently unrankable due to lack of information or due to substantially conflicting information about status or trends.
GNA	SNA	A conservation status rank is not applicable because the species or ecosystem is not a suitable target for conservation activities as a result of being: 1) not confidently present in the state; 2) non-native or introduced; 3) a long distance migrant with accidental or irregular stopovers; or 4) a hybrid without conservation value.

Source: Montana Natural Heritage Program SOC Report

## 8. Historical and Archaeological Sites

All applicants are required to contact the State Historic Preservation Office (SHPO) in order to determine whether the activities at the site will interfere with any historical site at or near the property. Based on the information gathered from the SHPO, it was concluded that the proposed facility would not impact cultural resources in the area.

## **ANALYSIS OF TABLE 3.2 – POTENTIAL IMPACTS ON HUMAN ENVIRONMENT**

*This section evaluates the potential environmental effects that may occur on the human environment if the proposed facility is approved. The number on each of the following resource headings corresponds to a resource listed in the tables. Generally, only those resources potentially affected by the proposal are discussed. Therefore, if there is no effect on a resource, it may not be discussed.*

### **5. Quantity and Distribution of Employment**

Existing employees would be utilized for this operation. There is low potential that this project would create a significant number of new jobs.

### **6. Local & State Tax Base & Tax Revenue**

The establishment of a MVWF at the proposed location will provide a source of used motor vehicles or component parts for sale to the public. The issuance of a MVWF license will allow the applicant to:

- (1) Buy, sell, or deal in four or more vehicles per year of a type required to be licensed for the purpose of wrecking, dismantling, disassembling, or substantially altering the form of the motor vehicle;
- (2) Buy or sell component parts, in whole or in part, and deal in second-hand motor vehicle parts; and
- (3) Purchase wrecked vehicles from insurance companies. Insurance companies are required by state law to sell junk vehicles only to licensed MVWF.

The operation of a MVWF may create an additional labor requirement and may result in additional employment. This employment, and the employment requirements for the support services of this MVWF, may provide a neutral to positive employment impact for the community.

### **7. Demands for Government Services**

The potential impacts of the proposed expanded facility's licensure is expected to be minor. The MVRDP provides grants to fund individual counties to run their junk vehicle programs. The intent of these programs is to remove unwanted vehicles free of charge, and to regulate activities at licensed MVWFs. Counties are required to inspect MVWFs for compliance at least annually to assure compliance with all applicable rules. The Ravalli County Health Department, and DEQ's SWS will perform routine inspections and provide compliance assistance while the facility is operational. Road maintenance and emergency services are already in place for industrial operations in that area.

### **8. Industrial, Commercial, & Agricultural Activities & Production**

The proposed MVWF site is within an area zoned for light industrial and commercial use. There are several other licensed MVWFs surrounding this site, as well as other industrial and commercial enterprises. The site would be an expansion of the current yard for Jeff's Towing. There should not be a change in the activities and production of the local area.

### **10. Locally Adopted Environmental Plans and Goals**

Site selection is the applicant's responsibility. The establishment of a MVWF at this location does not conflict with any existing zoning ordinances, as certified by Robert Livesay, Planning Director with the Ravalli County Planning Office.

## **SECTION 4.0 – CONCLUSIONS AND RECOMMENDATIONS**

### **A listing and appropriate evaluation of mitigation, stipulations, and other controls enforceable by the agency or another government agency:**

MVWFs typically generate hazardous wastes through the variety of services they offer. Used batteries, antifreeze, mercury switches, oil, solvents, and other waste fluids are just a few examples of wastes that need to be handled and managed properly. Management of hazardous waste is regulated by the federal Resource Conservation and Recovery Act (RCRA), which is administered by DEQ. The types and number of requirements that must be complied with are based on the quantity and type of waste generated.

Automotive fluids **must** be drained from the vehicles prior to dismantling. All fluids removed from the vehicles must be captured over an impermeable surface, properly containerized, and properly stored for reuse, recycling, or proper disposal. This management method intends to prevent or mitigate the potential for ground water contamination. This is a license condition enforceable by DEQ which the applicant is already in compliance with.

MVWFs that generate waste tires are required to store, transport, and dispose of the tires properly. This is a license condition enforceable by DEQ which the applicant is already in compliance with.

Under the federal Clean Air Act (42 U.S.C. § 7401), it is illegal to vent any ozone depleting substance or its substitute. Refrigerants must be recovered into a registered recovery device. This is a federally enforceable requirement administered by the U.S. Environmental Protection Agency (EPA).

### **Recommendation:**

DEQ recommends distributing the EA to adjacent landowners and interested persons to satisfy the public notification and participation requirements of MEPA.

### **Findings:**

DEQ has made the preliminary determination that the applicant is in compliance with the existing zoning ordinances (as of the date of the submittal of the application) and can effectively shield the proposed facility from all public roads in the area. The proposed MVWF will have minor impacts on the surrounding area.

### **Necessity of an EIS:**

DEQ finds that an environmental impact statement (EIS) is not needed due to the mitigating factors provided by the solid waste rules and the applicant's proposal for the yard expansion of the Jeff's Towing MVWF at the selected location. Consequently, these factors will ensure to a reasonable extent that any potential, direct, or cumulative impacts to human health and the environment from the proposed MVWF are minor.

### **If an EIS is not required, explain why the EA is an appropriate level of analysis:**

Based on the information submitted for review with the license application, it is clear that the facility will handle all automotive fluids as required by law, will shield the facility as required by law, and will meet all Ravalli County zoning ordinances. Therefore, an EA is the appropriate document to address the potential minor impacts of the proposed license expansion of the Jeff's Towing MVWF.

**Other groups or agencies contacted or which may have overlapping jurisdiction:**

Ravalli County Commissioners

**Individuals or groups contributing to this EA:**

Montana Department of Natural Resources and Conservation

Natural Resource Conservation Service

Montana Historical Society

State Historic Preservation Office

U.S. Geological Survey

Montana Bureau of Mines and Geology

U.S. Department of Agriculture - Natural Resource Conservation Service

**EA prepared by:** Dianna Robinson – Montana DEQ, Solid Waste Section

**Date:** August 3, 2022